

1 JONATHAN K. WALDROP (SBN: 297903)
jwaldrop@kasowitz.com
2 DARCY L. JONES (*pro hac vice*)
djones@kasowitz.com
3 ROBERT P. WATKINS III (*pro hac vice*)
rwatkins@kasowitz.com
4 KASOWITZ, BENSON, TORRES & FRIEDMAN LLP
333 Twin Dolphin Drive, Suite 200
Redwood Shores, CA 94065
Telephone: (650) 453-5170
6 Facsimile: (650) 453-5171

7 JEFFREY J. TONEY (*pro hac vice*)
8 jtoney@kasowitz.com
KASOWITZ, BENSON, TORRES & FRIEDMAN LLP
9 1349 West Peachtree Street, N.W., Suite 1500
Atlanta, GA 30309
10 Telephone: (404) 260-6133
Facsimile: (404) 260-6081

11 Attorneys for Plaintiff
12 GOOGLE INC.

COURTLAND L. REICHMAN (SBN: 268873)
reichman@mckoolsmith.com
MCKOOL SMITH HENNIGAN, P.C.
255 Shoreline Drive, Suite 510
Redwood Shores, CA 94065
Telephone: (650) 394-1400
Facsimile: (650) 394-1422

KEVIN L. BURGESS (*pro hac vice*)
kburgess@mckoolsmith.com
JOHN B. CAMPBELL (*pro hac vice*)
jcampbell@mckoolsmith.com
J.R. JOHNSON, II (*pro hac vice*)
jjohnson@mckoolsmith.com
JENNIFER A. ALBERT (*pro hac vice*)
jalbert@mckoolsmith.com
JOSHUA W. BUDWIN (*pro hac vice*)
jbudwin@mckoolsmith.com
MCKOOL SMITH, P.C.
300 W. 6th Street, Suite 1700
Austin, Texas 78701
Telephone: (512) 692-8700;
Facsimile: (512) 692-8744

13 Attorneys for Defendants
14 EOLAS TECHNOLOGIES
15 INCORPORATED; and THE REGENTS OF
16 THE UNIVERSITY OF CALIFORNIA

17 UNITED STATES DISTRICT COURT
18
NORTHERN DISTRICT OF CALIFORNIA
19
SAN FRANCISCO DIVISION

20 GOOGLE INC.,
21 Plaintiff,
22 v.
23 EOLAS TECHNOLOGIES, INC.; and
24 THE REGENTS OF THE UNIVERSITY
25 OF CALIFORNIA,
Defendants.

Case No. 13-CV-05997-JST

**JOINT STIPULATION AND [PROPOSED]
ORDER EXTENDING TIME FOR
GOOGLE INC. TO RESPOND TO
DEFENDANTS' COUNTERCLAIMS**

1 Pursuant to Civil Local Rules 6-2, 7-12, and 16-2 Plaintiff Google Inc. (“Google”), and
2 Defendants Eolas Technologies Incorporated (“Eolas”) and The Regents of the University of
3 California (“the Regents”) (collectively, “Defendants”) hereby stipulate through their respective
4 counsel of record as follows:

5 WHEREAS, on January 2, 2014 and January 3, 2014, Google served a complaint seeking
6 a declaratory judgment of non-infringement of United States Patent Nos. 8,082,293 and 8,086,662
7 (hereinafter “patents-in-suit”) on Defendants (Dkt. 1);

8 WHEREAS, Defendants filed an answer and counterclaims on July 8, 2014 (Dkt. 76), and
9 a corrected answer and counterclaims on July 22, 2014 (Dkt. 83), in which Eolas asserted patent
10 infringement counterclaims against Google (hereinafter “Counterclaims”);

11 WHEREAS, Eolas filed a Motion to Dismiss on July 8, 2014 (Dkt. 77) (hereinafter
12 “Second Motion to Dismiss”), and a Corrected Motion to Dismiss on July 15, 2014 (Dkt. 78)
13 (hereinafter “Corrected Second Motion to Dismiss”), in which it moved to dismiss with prejudice
14 Eolas’s Counterclaims of infringement of the patents-in-suit, and to dismiss without prejudice
15 Google’s declaratory judgment claims of non-infringement;

16 WHEREAS, the Regents filed a notice of joinder in Eolas’s Corrected Second Motion to
17 Dismiss on July 29, 2014 (Dkt. 84);

18 WHEREAS, Google responded to Defendants’ Corrected Second Motion to Dismiss on
19 August 19, 2014 (Dkt. 87);

20 WHEREAS, Eolas filed a Reply to its Corrected Second Motion to Dismiss on September
21 9, 2014 (Dkt. 88) and a Corrected Reply on September 12, 2014 (Dkt. 89);

22 WHEREAS, Google sought leave to file a sur-reply to Eolas’s Corrected Second Motion
23 to Dismiss on September 18, 2014 (Dkt. 90);

24 WHEREAS, Defendants filed a Response to Google’s Motion for Leave to File a Sur-
25 reply on September 22, 2014 (Dkt. 91);

26 WHEREAS, the Court vacated the hearing on the Corrected Second Motion to Dismiss on
27 September 30, 2014 (Dkt. 92);

1 WHEREAS, Google's response to Eolas' Counterclaims is currently due October 24,
2 2014;

3 WHEREAS, the parties have agreed that the lawsuit should be dismissed in its entirety
4 and absent an extension, the parties will expend additional time and resources on a lawsuit that
5 may be dismissed;

6 WHEREAS, the parties have agreed to extend Google's deadline to respond to Eolas's
7 Counterclaims by three weeks in order to allow the Court to rule on the dismissal of the litigation;

8 WHEREAS, good cause exists to extend the current deadline for Google's response to
9 Eolas's Counterclaims, to allow the Court to rule on Eolas's pending Corrected Second Motion to
10 Dismiss and to avoid the expenditure of time and resources until the scope of dismissal is
11 determined;

12 NOW THEREFORE, the parties through their undersigned counsel hereby stipulate and
13 request that the Court grant, pursuant to Civil L.R. 6-2 that:

14 • The time for Google to respond to Defendants' Counterclaims be extended until
15 November 14, 2014.

16 IT IS SO STIPULATED.

1 Dated: October 15, 2014

KASOWITZ, BENSON, TORRES & FRIEDMAN LLP

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3 By: /s/ Jonathan K. Waldrop
4 JONATHAN K. WALDROP
(SBN: 297903)
5 jwaldrop@kasowitz.com
6 KASOWITZ, BENSON, TORRES
& FRIEDMAN LLP
7 333 Twin Dolphin Drive, Suite 200
Redwood Shores, CA 94065
Telephone: (650) 453-5170
Facsimile: (650) 453-5171

8 Attorneys for Plaintiff
9 GOOGLE INC., INC.

10 Dated: October 15, 2014

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McKOOL SMITH HENNIGAN, P.C.

20 By: /s/ J.R. Johnson, II
21 JOHN B. CAMPBELL (pro hac vice)
jcampbell@mckoolsmith.com
J.R. JOHNSON, II (pro hac vice)
jjohnson@mckoolsmith.com
JENNIFER A. ALBERT (pro hac vice)
jalbert@mckoolsmith.com
JOSHUA W. BUDWIN (pro hac vice)
jbudwin@mckoolsmith.com
MCKOOL SMITH, P.C.
300 W. 6th Street, Suite 1700
Austin, Texas 78701
Telephone: (512) 692-8700;
Facsimile: (512) 692-8744

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Attorneys for Defendants
EOLAS TECHNOLOGIES
INCORPORATED;
and THE REGENTS OF THE
UNIVERSITY OF CALIFORNIA

1 I hereby attest pursuant to L.R. 5.1(i)(3) that concurrence in the electronic filing of this
2 document has been obtained from the other signatories.
3

4 Dated: October 15, 2014

/s/ Robert P. Watkins III
5 Robert P. Watkins III

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1
2 **[PROPOSED] ORDER**
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4 The Court having considered the stipulation of the parties, orders as follows:
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7 • The time for Google to respond to Defendants' Counterclaims is extended until
8 November 14, 2014;
9

10 PURSUANT TO THE PARTIES' STIPULATION, IT IS SO ORDERED.
11

12 Dated: October 16, 2014
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